

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA

3 CASE NO.: 2:18cv530

4 CSX TRANSPORTATION, INC.,
5 individually and on behalf of
6 NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY,

7 Plaintiff,

8 vs.

9 NORFOLK SOUTHERN RAILWAY
10 COMPANY, et al.,

11 Defendants.
_____ /

12
13 TRANSCRIPT DESIGNATED UNDER PROTECTIVE ORDER

14 VIDEOTAPED DEPOSITION OF

15 ROBERT GIRARDOT

16 Tuesday, January 12, 2021
17 9:36 a.m. - 6:37 p.m.
Remote Proceedings

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24 Stenographically Reported By:
Gina Rodriguez, RPR, CRR, CCP
25 Job No. CS4385284

1 Q. Okay. As a result of that distinction,
2 quote: "CSX would have to pay NPBL twice for moving
3 a container from or to NIT. Once for moving a
4 railcar to NIT and once for moving the railcar back
5 from NIT."

6 Right?

7 A. In some cases, yes.

8 Q. So, in other words, you're trying to make
9 the -- you're trying to say that if the charge
10 were -- were based on a per-container charge, if the
11 container were, let's say, dropped at NIT, you would
12 only be charged for the trip there and not the return
13 trip because there would be no container, right?

14 A. That's correct.

15 Q. Okay. The next sentence, you write -- and
16 we're still in paragraph -- "It is my understanding,
17 based on conversations with NPBL representatives in
18 connection with CXT's development of its service
19 proposals, that this charge would apply regardless of
20 whether a railcar were loaded or empty."

21 Do you see that?

22 A. Yes.

23 Q. I asked you earlier in this deposition if
24 you had ever spoken to a -- an -- a lead of NPBL, and
25 you mentioned one conversation you had with them in

1 2018 with regards to CSXT's rate proposal.

2 Do you recall that?

3 A. Yes.

4 Q. Is the sentence I just read to you based on
5 just that conversation, or are there others?

6 A. It's -- you know, it's based on -- you
7 know, that's the one specific one that I know, you
8 know, absolutely, you know, in part of developing the
9 2018 proposal, we needed to get a clear understanding
10 of what NPBL meant and on the conference call, the
11 various notes, we had a clear understanding that
12 that's what they meant.

13 Q. Is that your still -- is that still your
14 understanding today?

15 A. Yes, it is.

16 Q. Are you aware that Cannon Moss from the
17 NPBL was deposed in this matter?

18 A. You know, I -- I would -- you know, I would
19 imagine that. I'm not -- I don't factually know
20 that, but, you know, I'm . . .

21 Q. Would you be surprised to learn that he
22 testified that the \$210 switching fee only applies if
23 a railcar is -- is loaded?

24 A. Yeah, I would --

25 MR. HATCH: Object to form.